

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHELLE OWENS,)	CASE NO. 5:07CV1764
)	
Petitioner,)	JUDGE SARA LIOI
)	
v.)	MEMORANDUM OPINION
)	AND ORDER
PATRICIA ANDREWS,)	
)	
Respondent.)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the ten-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report and an appeal of the district court's order. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); Fed. R. Civ. P. 72(b)(3).

The Court has reviewed the Magistrate Judge's report and recommendation and **ACCEPTS** the same. Accordingly, the petition for writ of habeas corpus is **DISMISSED**.

IT IS SO ORDERED.

Dated: December 30, 2008


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE